

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

CHRISTOPHER ALFORD,)	
)	
Plaintiff,)	
)	No. 2:10-cv-2769-RMG
vs.)	
)	
CAVALRY PORTFOLIO SERVICES,)	
LLC, WOODARD & BUTLER and)	
B. RAY WOODARD,)	
)	JURY DEMAND ENDORSED HEREON
Defendants.)	

COMPLAINT

NOW COMES the Plaintiff, CHRISTOPHER ALFORD, by and through his attorney, JAMES M. ERVIN, and for his Complaint against the Defendants, CAVALRY PORTFOLIO SERVICES, LLC, WOODARD & BUTLER and B. RAY WOODARD, Plaintiff alleges and states as follows:

PRELIMINARY STATEMENT

1. This is an action for actual and statutory damages for violations of the Fair Debt Collection Practices Act (hereinafter the “FDCPA”), 15 U.S.C. § 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction arises under the FDCPA, 15 U.S.C. § 1692, *et seq.* Venue lies properly in this district pursuant to 28 U.S.C. § 1391(b), as a substantial part of the events and omissions giving rise to the claim occurred within this District.

PARTIES

3. Plaintiff is an individual who was at all relevant times residing in Ladson, South Carolina.

4. Plaintiff is a “consumer” as defined in 15 U.S.C. § 1692a(3), as he is a natural person allegedly obligated to pay a debt.

5. At all relevant times, Defendants acted as “debt collectors” within the meaning of 15 U.S.C. § 1692a(6), in that they held themselves out to be a company and its attorneys who were collecting a consumer debt allegedly owed by Plaintiff.

6. On information and belief, Defendant CAVALRY PORTFOLIO SERVICES, LLC (hereinafter “Cavalry”), is a limited liability company of the State of Delaware, which is not licensed to do business in South Carolina and which has its principal place of business in New York, New York.

7. On information and belief, Defendant WOODARD & BUTLER, is a law firm operating as a partnership which has its principal place of business in Walterboro, South Carolina.

8. On information and belief, Defendant B. RAY WOODARD is an attorney who is licensed to practice law in South Carolina and whose principal place of business is located in Walterboro, South Carolina.

COUNT I

(Violation of the Fair Debt Collection Practices Act)

9. On or about May 17, 2010, Defendants B. Ray Woodard and Woodard & Butler, acting as the attorneys and authorized agents of Cavalry, filed a lawsuit against Plaintiff in the Dorchester County, South Carolina Court of Common Pleas, case no. 2010-CP-18-1206, in an attempt to collect the aforementioned alleged debt.

10. Said lawsuit was filed against Plaintiff after the expiration of the applicable statute of limitations and was ultimately dismissed by Defendants on or about September 17,

2010. As a result thereof, Plaintiff incurred significant attorneys' fees in defense of the lawsuit in Common Pleas court.

11. All of the actions of Defendants B. Ray Woodard and Woodard & Butler as outlined above were undertaken as the attorneys and authorized agents of Cavalry.

12. In its attempts to collect the aforementioned alleged debt, Defendants violated the FDCPA in one or more of the following ways:

- a. Falsely representing the character, amount and/or legal status of the debt, in violation of 15 U.S.C. § 1692e(2)(A);
- b. Threatening and taking action that could not legally be taken, in violation of 15 U.S.C. § 1692e(5);
- c. Using a false, deceptive or misleading representation or means in connection with the collection of the alleged debt, in violation of 15 U.S.C. § 1692e(10); and
- d. By acting in an otherwise deceptive, unfair and unconscionable manner and failing to comply with the FDCPA.

12. As a result of Defendants' violations as aforesaid, Plaintiff has suffered and continues to suffer monetary loss, personal humiliation, embarrassment, mental anguish and emotional distress.

WHEREFORE, Plaintiff, CHRISTOPHER ALFORD, respectfully prays for a judgment against Defendants as follows:

- a. Reimbursement of all attorneys' fees paid by Plaintiff in defense of the lawsuit which was filed against Plaintiff in Common Pleas court;

- b. Statutory damages of \$1,000.00 from each Defendant for each violation of the FDCPA;
- c. All reasonable attorneys' fees, witness fees, court costs and other litigation costs incurred by Plaintiff; and
- d. Any other relief deemed appropriate by this Honorable Court.

JURY DEMAND

Pursuant to Civil Rule 38, Plaintiff hereby demands a trial by jury on all issues in this action, except for any issues relating to the amount of attorneys' fees and litigation costs to be awarded should Plaintiff prevail on any of his claims in this action.

Respectfully Submitted,

/s/ James M. Ervin
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